UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JON P. FUSCO, et al., Plaintiffs, v. JENNY CRAIG, INC., et al., Defendants.	Case No. 08cv0541-JM (BLM) **ORDER VACATING EARLY NEUTRAL EVALUATION CONFERENCE AND SETTING TELEPHONIC, ATTORNEYS-ONLY EARLY NEUTRAL EVALUATION CONFERENCE**

This case recently was transferred to this Court pursuant to the "low number" rule. See Doc. No. 6. Prior to transfer, Magistrate Judge Brooks scheduled an Early Neutral Evaluation conference (ENE) for April 28, 2008. Doc. No. 3. That ENE is hereby **VACATED**.

This Court will conduct a telephonic, attorneys-only ENE on **April 29, 2008** at **2:30 p.m.** The Court will initiate the call. Failure of required counsel to participate may result in the imposition of sanctions.

Requests to Continue an ENE Conference: Local Rule 16.1(c) requires that an ENE take place within forty-five (45) days of the filing of the first answer. Requests to continue ENEs are rarely granted. However, the Court will consider formal, written, *ex parte* requests to continue an ENE conference when extraordinary circumstances exist that make a continuance appropriate. **Absent extraordinary circumstances, requests for continuances will not be considered unless submitted in writing no less than seven (7) days prior to the scheduled conference.**

IT IS SO ORDERED.

DATED: April 11, 2008

BARBARA L. MAJOR
United States Magistrate Judge

COPY TO:

HONORABLE JEFFREY T. MILLER
U.S. DISTRICT JUDGE

ALL COUNSEL

NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), you are hereby notified that a U.S. Magistrate Judge of this district may, upon the consent of all parties, on Form 1A available in the Clerk's Office, conduct any or all proceedings, including a jury or non-jury trial, and order the entry of a final judgment. Counsel for the plaintiff shall be responsible for obtaining the consent of all parties, should they desire to consent.

You should be aware that your decision to consent or not to consent is entirely voluntary and should be communicated solely to the Clerk of Court. Only if all parties consent will the Judge or Magistrate Judge to whom the case has been assigned be informed of your decision.

Judgements of U.S. Magistrate Judges are appealable to the U.S. Court of Appeals in accordance with this statute and the Federal Rules of Appellate Procedure.